IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 13 of 1994

Between:

B.Narayana Rao Dora,
R/o.Vizianagaram, Vizianagaram District.

..... PETITIONER

AND

1 Gurala Lakshminarayana Prasad, S/o.Bangaru Rayudu,
Gatchala Valasa BPO, Cheepurupalli Mandal,

Vizianagaram District.
2 Gurala Rajendraprasad, S/o.Bangaru Rayudu,
Supervisor, A.P.Tanneries, Saripalli Road, Saripalli BPO,
Vizianagaram District.
3 Land Reforms Tribunal & Revenue Divisional Officer,
Vizianagaram.
4 Mandal Revenue Officer,
Denkada Mandalam, Vizianagarm District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari or any other appropriate Writ, order or direction, calling for the records connected with and relating to the order dated 22-12-1993 in L.C.C. 1029/75-GP on the file of the 3rd respondent-Land Reforms Tribunal & Revenue Divisional Officer, Vizianagaram and quash the same and declare Ac.9.36 1/2 cents in patta No.747 in Peda Thadivada Village in Denkada Mandal, Vizianagaram District is the personal land of the petitioner.

Counsel for the Petitioner: None appeared

Counsel for Respondents 1 and 2: None appeared

Counsel for Respondents 3 and 4: GOVERNMENT PLEADER FOR LAND ACQUISITION

The Court made the following:

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ORDER:

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This writ petition is filed, seeking Writ of Certiorari, to call for the records and quash the order dated 22-12-1993 passed in Proceedings LCC.1029/75-GP on the file of the Land Reforms Tribunal and Revenue Divisional Officer, Vizianagaram, and further to declare that the land in Survey No.747, admeasuring Ac.9-36&1/2 cents, situated in Thadivada Village, Denkada Mandal of Vizianagaram District as the personal land of the petitioner.

It is the case of the petitioner that he is the owner and possessor of the land in Survey No.747, admeasuring Ac.9-36&1/2 cents, situated in Thadivada Village, Denkada Mandal of Vizianagaram District. When the said land was taken possession as surplus land under the provisions of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1972, the petitioner herein has filed application dated 13-12-1993 claiming that the said land is his own land and the same cannot be taken possession as surplus land for the declaration filed by the third party.

In the counter affidavit filed on behalf of the respondents, it is stated that though the petitioner was also a declarant, he is not the owner of the land in question and he has not shown the land in question in the declaration filed by him. Further, it is stated that the sister-in-law of the petitioner is also declarant in separate proceedings, wherein she was declared as surplus land holder to the extent of 0.5231 Standard Holdings and the same was confirmed by this Court by order dated 27-9-1989 passed in Civil Revision Petition No.2053 of 1983. It is stated, on account of surplus holdings in the said declaration, the land in Survey No.747 admeasuring Ac.15-55 cents was accepted as excess land.

It is to be seen, in the counter affidavit filed on behalf of the respondents, they have given particulars of the lands, which are declared by the petitioner in the declaration

filed by him. So far as the land in Survey No.747 is concerned, he has not shown the said land in the declaration filed by him. Inasmuch as it is not shown in the declaration filed by the petitioner, when the said land is shown by the third party in the declaration filed and when the said land was accepted in surrender proceedings, the petitioner could not object for the same. No reply affidavit is filed by the petitioner to the counter, denying the averments as mentioned in it. In that view of the matter and as much as the petitioner did not show the land in question in the declaration filed by him as his own land, there cannot be any valid objection for acceptance of the said land in question on account of surplus land in the declaration filed by the third party. Having regard to the same, I do not find any merit in this writ petition.

This writ petition is devoid of merits and is accordingly dismissed. No costs.

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R.SUBHASH REDDY, J

Dated: 06th December, 2004.

Ak/Msnr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Land Reforms Tribunal and Revenue Divisional Officer,

Vizianagaram, Vizianagaram District.

2. The Mandal Revenue Officer, Denkada Mandal, Vizianagaram

District.

3. Two CCs to the Government Pleader for Land Acquisition,

High Court Buildings, Hyderabad (O.U.T).

4. Two CD copies.